

REMARKS

This amendment is in response to the Office Action mailed October 17, 2007. Claim 1 has been amended. Claims 1-28 are presently pending. No new matter has been added. The Applicant thanks the Examiner for indicating that claims 13-24, 26, and 28 are allowed and that claim 27 is allowable.

The Applicant also thanks the Examiner for discussing the rejection and objection with the Applicant's representative Bruce Black on October 22, 2007 by telephone. The Examiner suggested the amendment in claim 1 to overcome the objection to claim 1. The Applicant requests entry of this amendment.

Claim Objection

Claim 1 was objected to. In a telephone interview, the Examiner suggested adding "between the different pairs of the other components of the laser" to the end of claim 1. Claim 1 has been amended in the recommended manner. The Applicant respectfully requests withdrawal of this objection to claim 1.

§102 and §103 Rejections

Claims 1-7 and 10-12 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,546,027 to Khaydarov ("'027 Patent"). Claims 8, 9, and 25 were rejected under 35 U.S.C. §103(e) as being unpatentable over '027 Patent in view of Il'ichev *et al.* "Model of a passively Q-switched laser accounting nonlinear absorption anisotropy in a passive switch" ("Il'ichev"). The Applicant traverses these rejections.

The '027 Patent and the present patent application have the same inventive entity (only one inventor): Dzhakhangir V. Khaydarov. The Office Action asserts the '027 Patent is prior art under 35 U.S.C. §102(e), however, the '027 Patent is not available as prior art under 35 U.S.C. §102(e) because §102(e) only applies if the inventive entity is different (i.e., "the invention was described in ... a patent granted on an application for patent by another" - 35 U.S.C. §102(e), emphasis added.) M.P.E.P. §706.02(a). Because the inventive entity of the '027 Patent and the

present patent application are the same, the '027 Patent is not available as prior art under 35 U.S.C. §102(e). For at least this reason, the Applicant respectfully requests withdrawal of the rejections of claims 1-12 and 25.

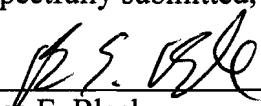
In a telephone discussion, the Examiner also questioned whether the '027 Patent and the present patent application may be owned by different entities. This is irrelevant for the analysis of whether a reference is prior art under 35 U.S.C. §102(e). Only the identity of the inventive entity is considered.

In any event, both the '027 Patent and the present patent application are assigned, and were assigned at the time of filing of the present patent application, to Continuum Electro-Optics, Inc. Accompanying this Amendment are Patent Assignment Abstracts of Title for both the '027 Patent and the present patent application, available from the U.S. Patent and Trademark Office website, indicating the present assignment of both to Continuum Electro-Optics, Inc.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. If the Examiner has any questions or concerns, the Applicant encourages the Examiner to contact the Applicant's representative, Bruce Black, by telephone to discuss the matter.

Dated: October 25, 2007

Respectfully submitted,

By 
Bruce E. Black

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Patent Assignment Abstract of Title

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For pending or abandoned applications please consult USPTO staff.

Total Assignments: 3

Patent #: [6546027](#) Issue Dt: 04/08/2003 Application #: 09452661 Filing Dt: 12/01/1999

Inventor: DZHAKHANGIR V. KHAYDAROV

Title: LASER SATURABLE ABSORBER AND PASSIVE NEGATIVE FEEDBACK ELEMENTS, AND METHOD OF PRODUCING ENERGY OUTPUT THEREFROM

Assignment: 1

Reel/Frame: [010605/0986](#) Recorded: 03/07/2000 Pages: 3

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignor: [KHAYDAROV, DZHAKHANGIR V.](#) Exec Dt: 02/24/2000

Assignee: [HOYA PHOTONICS, INC.](#)

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Assignment: 2

Reel/Frame: [013625/0711](#) Recorded: 01/02/2003 Pages: 5

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignor: [HOYA PHOTONICS, INC., D/B/A CONTINUUM](#) Exec Dt: 10/11/2002

Assignee: [EXCEL CONTINUUM CORPORATION](#)
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Assignment: 3

Reel/Frame: [013813/0856](#) Recorded: 03/07/2003 Pages: 5

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignor: [EXCEL CONTINUUM CORPORATION](#) Exec Dt: 10/30/2002

Assignee: [CONTINUUM ELECTRO-OPTICS, INC.](#)
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Total Assignments: 1

Patent #: NONE Issue Dt: Application #: 10679985 Filing Dt: 10/06/2003
Publication #: 20050074038 Pub Dt: 04/07/2005

Inventor: Dzhakhangir V. Khaydarov

Title: Mode-locked laser with variable pulse duration

Assignment: 1

Reel/Frame: 014598/0372 Recorded: 10/06/2003 Pages: 3

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignor: KHAYDAROV, DZHAKHANGIR V. Exec Dt: 10/02/2003

Assignee: CONTINUUM ELECTRO-OPTICS, INC.
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